

Per Curiam

CAVANAUGH, EXECUTIVE DIRECTOR, SOUTH
CAROLINA DEPARTMENT OF PROBATION,
PAROLE, AND PARDON SERVICES,
ET AL. *v.* ROLLER

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FOURTH CIRCUIT

No. 92-1510. Argued November 8, 1993—Decided November 30, 1993

Certiorari dismissed. Reported below: 984 F. 2d 120.

Carl N. Lundberg argued the cause for petitioners. With him on the briefs were *T. Travis Medlock*, Attorney General of South Carolina, and *Edwin W. Evans*, Chief Deputy Attorney General.

W. Gaston Fairey, by appointment of the Court, 509 U. S. 920, argued the cause and filed a brief for respondent.

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

Syllabus

UNITED STATES *v.* JAMES DANIEL GOOD REAL
PROPERTY ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 92-1180. Argued October 6, 1993—Decided December 13, 1993

Four and one-half years after police found drugs and drug paraphernalia in claimant Good's home and he pleaded guilty to promoting a harmful drug in violation of Hawaii law, the United States filed an *in rem* action in the Federal District Court, seeking forfeiture of his house and land, under 21 U. S. C. § 881(a)(7), on the ground that the property had been used to commit or facilitate the commission of a federal drug offense. Following an *ex parte* proceeding, a Magistrate Judge issued a warrant authorizing the property's seizure, and the Government seized the property without prior notice to Good or an adversary proceeding. In his claim for the property and answer to the Government's complaint, Good asserted that he was deprived of his property without due process of law and that the action was invalid because it had not been timely commenced. The District Court ordered that the property be forfeited, but the Court of Appeals reversed. It held that the seizure without prior notice and a hearing violated the Due Process Clause, and remanded the case for a determination whether the action, although filed within the 5-year period provided by 19 U. S. C. § 1621, was untimely because the Government failed to follow the internal notification and reporting requirements of §§ 1602-1604.

Held:

1. Absent exigent circumstances, the Due Process Clause requires the Government to afford notice and a meaningful opportunity to be heard before seizing real property subject to civil forfeiture. Pp. 48-62.

(a) The seizure of Good's property implicates two "explicit textual source[s] of constitutional protection," the Fourth Amendment and the Fifth. *Soldal v. Cook County*, 506 U. S. 56, 70. While the Fourth Amendment places limits on the Government's power to seize property for purposes of forfeiture, it does not provide the sole measure of constitutional protection that must be afforded property owners in forfeiture proceedings. *Gerstein v. Pugh*, 420 U. S. 103; *Graham v. Connor*, 490 U. S. 386, distinguished. Where the Government seizes property not to preserve evidence of criminal wrongdoing but to assert ownership and control over the property, its action must also comply with the Due